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File No 144-24

Previous References (nil)

Serial Nos 69

Later References

General and Revenue Secretariat.

Serial Nos

Part B for

SUBJECT

Note regarding further amendments to be made in the Mines Rgn

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General and Revenue Secretariat | File No | of 19

Serial No

Note regarding the further amendments to be made to the Municipal Regulation

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2v In G O.No.L.6129-6192/L.L 145-24-52 dated 19th February 1925 orders were passed on the Resolutions of the Local Self Government Conference and the Representative Assembly in regard to the employment of lent Government Officers by Municipal Councils and Local Boards, and in para 2 of this order it has been stated that the Municipal and Local Boards Regulations will be suitably amended.

2. In the Draft Village Panchayet Bill a clause (No.34) has been inserted as follows

7R S "~~The~~ Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay, allowances, gratuities, pensions and contributions as the Government may direct"

3. In the Draft District Boards Bill approved by the Dewan provision has been made in clauses 89 and 90 as follows.

"89 Subject to the rules of recruitment that may be framed by the Government from time to time, every District Board shall employ such other officers and servants as may be necessary and proper for the efficient execution of its duties and shall assign

Serial N

to them such pay, allowances, gratuities and pensions as the Government may direct"

"90"The pay, leave, punishment, transfer, pensions, gratuities and other matters relating to the officers and servants of District Boards shall be regulated by the Lysore Service Regulations and the special or general orders and rules made by the Government in this behalf"

4 No further action appears necessary in so far as the Village Panchayets and the District - Boards are concerned As regards Municipalities, kind reference is invited to Sec 184 and clauses (b) (ii) (c), (e), (g) & (h) of Sec 46 of the Municipal Regulation. It is not clear whether, in view of the words "subject to the provisions of the Lysore Service Regulations and to the special orders of Govt" occuring in clause (g) of Sec 46 of the Municipal Regulation, any further amendment to give effect to the Government order of the 19th February 1925 is called for If it is, however, considered that the existing Municipal Regulation requires to be amended, the following proviso may perhaps be substituted for proviso (a) of Sec 46 -"(a) It shall be competent for the Govt to frame rules for the regulation of all or any of the matters specified in clauses (b) (ii) (c), (e), (g) & (h) in respect of all or any classes of Municipal Councils or in respect of all or any ~~employees~~ of their employees and ~~that~~ no rule made, or ~~any~~ alteration

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or rescission of a rule made, by a Municipal Council under this Section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government."

5. The Offg.Dewan was pleased to direct, while revising the Draft District Boards Bill, that in the Municipal Regulation Amendment Bill provision may be made for exemptions from payment of tolls on vehicles etc., on which tolls have been levied at any other toll-gate within 24 hours, and declaring that payment of tolls at any toll-gate, whether within or without Mysore, shall clear vehicles etc. at any other toll-gates specified, as in the Draft District Boards Draft Bill. If approved, the following will be added to schedule II of the Municipal Regulation as explanations Nos 3 and 4 -

Explanation No. 3. No toll shall be levied on any vehicles and animals if within a period of 24 hours counted from sun-rise to sun-rise a toll has been levied thereon at any other Municipal District Fund or State toll gate, provided that when toll has been paid in respect of any vehicle or animal not laden or unridden, the difference between such tolls and the tolls payable in respect of such vehicles or animals, laden or ridden, shall be collected if such vehicles or animals again pass through such Municipal toll gate, laden or

NOTE–Contn Sheet

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GENERAL & REVENUE SEC. L5716 9 MAR 1925 LOCAL SELF G- I MYSORE

DEWAN'S OFFICE P 00 31 11 MAR 1925 Reg No 6687

ridden within such period

Explanation — 4 The Municipal Council may, with the previous sanction of the Government, declare that payment of tolls on vehicles or animals at any ~~of their~~ toll gates, whether within or without Mysore, shall clear such vehicles or animals at any of their toll gates."

8S
6/3/25 (2 Regs)

Dewan's

7/3/25

8S "3/25

The Municipal Regulation requires amendment in view of the rules passed by the Govt.

Hence it requires amendment also as regards Rules —

Please submit draft amendments. We may take the necessary action after examining the draft amending Clause — The Municipal Regulation Department will be instructed also to get Regulation framed & to move meeting — Action has been taken accordingly —

7378
16/3

2nd Member's

12/3

Please put up the draft, for consideration at Dussehra meeting & submission to Govt thereon, with issues necessary

16/3

17/3

8S 17-3

5716

4011/B/24 5710/24

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D

A draft amend ent is submitted for approval The first portion of the draft is based on G.O. dated 19th February 1925 which has been already approved by His Highness. The second portion of the draft relates to a comparatively minor matter which is now regulated by Rule 169 of the Municipal Account Manual and rules framed by ~~the~~ Municipal Councils under Section 46(1) of the Municipal Regulation In these circumstances it is a matter for consideration wheth r the proposed amendment has to be considered in council and if so, the Devan's approval will have to be obtained

The Council has already framed Rules in Board Members' Pay etc in pursuance of the powers conferred by the Municipal Regulation

18/3/25

2 Rees

2D

18/3.

2D

18-3

7490/18/3

If the Council has already approved, further ref ce is unnecessary The draft proposal is a different one Direction Branch may take action, (problem etc) for Consideration Rules amendments at meeting first after Dewans formal permission also necessary.

Lee 19/3/25

2D 19 3

Direction Branch

2D 15/3

19/3

Necessary provisions in a modified form have been made in the Regns IV of 1926 since passed. The papers may be recorded in B.

2D 23/7/26

2D 27/7

GENERAL & REVENUE SECRETARIAT

B

24 JUL. 1926

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NOTE—Contn Sheet

Draft of additions to the Municipal Regulation Amendment Bill.

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1. The following shall be substituted for proviso (a) to Section 46 of the Regulation, viz ,

" (a) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in cluases (b) (ii), (c), (e), (f), (g), & (h) in respect of all or any class of Municipal Councils or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section -- shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government"

2 The following explanations shall be added as Explanations 3 and 4 to schedule II of the Regulation, viz , --

"Explanation 3 - No toll shall be -- levied on any vehicle and animal if within a period of 24 hours counted from sun-rise to sun-rise a toll has been levied thereon at any other Municipal, District Fund or State toll gate, provided that when toll has been paid in respect of any vehicle or animal not laden or unridden, the difference between such toll and the toll - - payable in respect of such vehicle or -- animal, laden or ridden, shall be collected if such vehicle or animal again passes

through a Municipal toll gate, laden or ridden within such period "

Explanation 4 - Any Municipal Council may, with the previous sanction of the Government, declare that payment of tolls on vehicles or animals at any toll gate, whether within or without Mysore, shall clear such vehicles or animals at any of their toll gates "

169 No more than one payment of toll shall be demanded at any toll bar, gate or station in respect of any -- vehicle or animal in any one period of 24 hours counted from sunrise to sunrise. Provided that when toll has been paid at any toll-bar, gate or station in respect of any vehicle or animal not laden or ridden, the difference -- between such toll and the toll payable in respect of such vehicle or animal shall be payable, if such vehicle or animal passes through such toll-bar, or gate laden or ridden within such period

DRAFT MYSORE VILLAGE PANCHAYET BILL

NOTE

— o —

The preamble explains the main object aimed at in the drafting of the Regulation It is in the first place to improve the sanitation of villages which is an essential condition for healthy development of rural areas and secondly to interest the villagers in the management of their own affairs Special stress has been laid in the Regulation on the subject of Sanitation as by the passing of this Regulation the Village Sanitation Regulation will be repealed

SECTIONS

1 *Local extent* —Extends to all rural areas in the State and therefore excludes areas under Municipal Government The jurisdiction of the District Boards should be so defined as not to conflict with the work of Panchayets As a matter of fact the functions of District Boards will lie in certain specific directions It is not therefore necessary to exclude areas under District Boards from these provisions

Commencement —Statutes are deemed *prima facie* to be prospective only

2 *Repeals* —The following Regulations are to be repealed —

(*a*) Village Sanitation Regulation

(*b*) The old Local Boards and Village Panchayet Regulation of 1918

In so far as it relates to Village Panchayets

The General Clauses Act provides for the effect of a repeal The statutes repealed under the old Regulations are not revived

Mohatarfa taxes —These are to be abolished in all areas constituted as Panchayets (*Vide* draft order in this respect)

Existing Panchayets are recognised under the new Regulation

3 *Definitions* — Building The definition has been made a comprehensive one and follows the wording adopted in enactments in British India

' Forest This also is a comprehensive term and has to be construed with reference to the provisions of the Forest Regulation

Prescribed Definition adopted from enactments in force in British India

Village This term has been defined so as to mean a revenue village It is not necessary to include in the definition a group of villages for in Section 4 provision is made for grouping villages in a Panchayet It is therefore not necessary to have a technical definition of village The grouping of villages will be done by the Deputy Commissioner in accordance with rules or orders issued by the Government

4 The creation of Panchayets is made obligatory

All or any of the purposes In the case of most of the Panchayets their functions will be confined to sanitary duties and minor village roads Hence the differentiation made Control over irrigation tanks schools and powers of Village Courts etc will be delegated to the more promising of the Panchayets.

5 Where a group of villages is constituted as Panchayet, the number of members will necessarily be large We may take it for granted that about 4 000 Panchayets will come into existence if a careful grouping is made

Power is given to the Deputy Commissioner to allot members when grouping of villages becomes necessary

The subject-matter
+ other particulars to
be written on the cover
have been omitted hence
ref

##

7/12/27

Nomination to the Panchayet will be necessary in the initial stages of the Panchayet development especially to secure the presence of village elders and representatives of special communities

6 No disqualifications are mentioned in this section Disqualification is referred to in Section 12 Section 12 applies only after a Panchayet has been constituted The reason for this is that the elections to Panchayets being more or less of an informal character it would be inexpedient to introduce elaborate enquiries into the qualifications of voters or candidates But if a person undeserving of election has come in somehow the Deputy Commissioner has the power to remove him under Section 12 The franchise has been broadened The present rule is ~~Rule 1~~—tax or mohatarfa (*Vide* Rule 7 of the existing rules)

8 *Chairman* —Provision is made both for election and nomination In the earlier stages it is the intention of the Government to make nomination as a rule This will prevent an undesirable person being elected in factious villages and help the Deputy Commissioner to select a man who belongs to no party Section is based on Mysore Municipal Regulation—Section 23

10 *Appointment of a Secretary* —To do the scriptory work and otherwise help the chairman in doing the work of the Panchayet especially in regard to maintenance of accounts preparing notices etc the help of a trained hand is necessary Usually a Shanbhog should be appointed to the office and duly remunerated Similar provision exists in Bombay and Assam (*Vide* 11 Bombay Act)

11 The constitution of Panchayets recognises triennial general elections Every third year there should be a general election This has been the practice in Mysore for a long time

12 This is the real disqualification Section This Section will operate not only when a member of a Panchayet becomes disqualified for the reasons mentioned there but will operate at once if an undesirable person has come in by election As for nomination, care it is presumed will be taken to see that fit persons are nominated

16 This Section is no doubt a rather technical one and it will be long before there is need for the application of the same It is however necessary in a self contained Regulation

18 The obligatory duties of a Panchayet are mentioned here Although the list is a long one it will be seen that all of them come under one or other of the following main heads —

(*a*) Village communications
(*b*) Sanitation including water supply
(*c*) Conservancy

Under Section 63 Government may make rules for regulating the duties of Panchayets in regard to the items mentioned in this Section It is a matter for consideration whether the phrase ' subject to such rules as may be made by Government in this behalf should be inserted here It is to be noted here that since the Village Sanitation Regulation will be replaced by this Regulation it is essential to see that the provisions of that Regulation are satisfactorily included in this new Regulation That is why power has been taken to Government framing the necessary rules and prescribing a penalty Sub clauses (v) (vi) (viii) and (ix) are all provisions of the Village Sanitation ~~Regulation~~ Rules

19 *Optional functions* —These are made as wide as possible and may for long be an ornamental piece of legislation If the Panchayets develop on the lines indicated and discharge all the functions assigned to them there will perhaps be no need for another executive agency such as the District Board It will eventually be a consultative deliberative and advisory agency Till this stage is reached there will perhaps be an apparent overlapping of functions between the District Boards and Panchayets This cannot be helped

20 *Control over village forests* —There are only village forests at present The policy of Government is to make a single Panchayet responsible for all village activities Where there is already a village forest it should be placed under the control of the administrative Panchayet The Village Forest Rules require suitable modification

21 Same remarks as in Section 20 apply to this section also in regard to tank management

22 'Village Courts This is a somewhat difficult section We have a complete Village Courts Regulation There are at present [illegible] Village Courts The appointment of a village munsiff is made as per section [illegible] of the Regulation A Bench or Court is constituted in accordance with section [illegible] of that Regulation In British Indian Enactments, where judicial functions are assigned to panchayets constituted for administrative purposes satisfactory provision has been made for regulating the discharge of these functions This course would have been better but having regard to the fact that for some considerable time most of the Panchayets will not be required to do judicial functions as elaborated in the Village Courts Regulation it has been considered unnecessary to include these provisions in the Panchayet Regulation What is required now is that the selection of the members for the Court should be made from among the Panchayetdars or one of them should be appointed a village munsiff The wording of the section may be examined by the Legislative Branch suitable modification of the Village Courts Regulation being also undertaken there

23 This section calls for no remarks

24 This section is in accordance with para [illegible] of draft order

25 This is a general section comprehensive of items which cannot be defined at once but which may arise as experience is gained in the working of the regulation or owing to changing conditions of the modern administrative problems

26 In this section the property of the Panchayet is defined and its powers are also indicated in respect of certain matters in this and the following 5 or 6 sections These sections are based on Bengal Village Self Government Act 1919 and the Village Sanitation Regulation In Madras also, the Bengal Act provisions have been adopted with suitable modifications All the sections empower the Panchayets to discharge their primary functions of sanitation and conservency satisfactorily (*vide* sections 26 to 31 of the Bengal Act and 23 of Madras Act) Since the Regulation is so clear there will be little need for framing an elaborate set of rules separately

35 *Taxation* —This indicates all the items that go to form the Panchayet Fund (*vide* Madras Act 32 and Bengal Act 46) Clause (3) Provision has been made for the custody of the Panchayet Fund and investment of any surplus balance

36 Obligatory taxation in respect of certain items (*vide* G O) Provision has been made for exemption

37 *Optional taxation cess rate fee* —These are the various items of levy Previous sanction of the Government insures care in the selection and levy of rates or taxes

Commutation of cess into labour —This have been adopted from the existing Panchayet Regulation It is in vogue in Ceylon Not all classes of taxes may be thus commuted It is only a cess for any special purpose that could be so commuted Hence power has been taken in the Regulation for rules being framed

39 *Collection of taxes* —Rules have to be laid down regulating the mode of collecting taxes There is already a set of rules which will do under the new Regulation also It is only when there is default remedies have to be thought of The section accordingly provides first for distraint and sale of movable property of the defaulter by the Chairman If the Chairman fails the Amildar can take similar action If the taxes cannot

be recovered by this means then it is to be recovered as an arrear of Land Revenue

40 *Preparation and passing of the Budget* —Based on Section 59 of the present L B and V P Regulation it only provides for scrutiny of Amildar instead of Taluk Board

41 Based on the existing practice regarding audit of accounts of Local Bodies The auditing may be done by Inspector of Panchayets or Sub Division Officers

42 Administration report on the working of Panchayets in each Taluk

CONTROL

43 The Deputy Commissioner is made the chief authority in regard to Panchayet development in each District Sections 43 to 49 relate to both external and internal control The local revenue officers are entrusted with the duty of securing the proper development of Panchayets Section 49 refers to the appointment of Inspector of Panchayets for internal control

50 55 These sections relate to certain extraordinary powers to be exercised only when there is need They are based on the similar provisions in British India enactments and in the Mysore Local Boards and Village Panchayet Regulation itself The powers of a Deputy Commissioner in respect of a District Board are given to the Amildar in respect of Panchayets subjects to an appeal to the Deputy Commissioner Section 53 gives power to the Deputy Commissioner to supersede a Panchayet Sections 54 and 55 deal with delegation of powers and appeals

56 and 57 relate to disputes between Panchayets or between Panchayets and Local Bodies These provisions have been inserted in lieu of Joint Committees for Panchayets The provision of joint committees for Panchayats is too elaborate for these small areas

58 *Surcharge powers* —These are no doubt drastic These powers are necessary to safeguard against the moneys of Panchayets being misapplied Both in Madras and Bengal these provisions exist

59 This is no doubt an elaborate provision for Panchayets But it is all the same necessary when the power to sue and liability to be sued has been recognised in the Act These provisions will however be rarely used

63 This section relates to the rule making power of the Government Special reference is invited to sub clauses (o) to (r) of section 63 These are included here in order to regulate Sanitation in villages as the Village Sanitation Regulation will be repealed Of course the rules to be made in this connection should not be inconsistent with the statutory provisions relating to the duties and powers of Panchayets (*Vide* Sections 26 to 32 *supra*)

The other sections call for no remarks

The wording used in the Draft Bill follows as closely as possible the phraseology employed in the Enactments of British India and to some extent that employed in our Regulation Very slight variations are made to suit local needs

THE MYSORE VILLAGE PANCHAYET BILL

CHAPTER I

PRELIMINARY

Whereas it is expedient to make better provision for the Sanitation of villages and the administration of village affairs by the villagers themselves and thereby develop the system of Self Government in the rural areas of the State His Highness the Maharaja is pleased to enact as follows — **Preamble**

1 This Regulation may be called the Mysore Village Panchayet Regulation 1925 and shall come into force on— **Short Title.**

(2) It extends to the whole of Mysore **Extent**

(3) It shall come into force in any District or part of a District on such date as the Government may by notification, direct **Commencement**

2 On this Regulation coming into force in any District, **Repeal**

(a) the whole of the Mysore Village Sanitation Regulation, 1898 and the Mysore Local Boards and Village Panchayet Regulation 1918, so far as it relates to Village Panchayets shall be repealed

Provided that such repeal shall not affect the liability of any person to pay any sum due from him under the aforesaid Regulation or the rules or bye laws framed thereunder and provided also that the Deputy Commissioner may, for reasons considered by him to be sufficient direct the whole or any portion of such sum to be remitted and written off the accounts

(b) The mohataifa taxes on houses shops and carts shall cease to be levied,

3 In this Regulation unless there is something repugnant in the subject or context **Definitions**

(1) building includes a house shop warehouse, work shop hut and shed

(2) 'forest includes unreserved land at the disposal of Government and forest reserved under the Mysore Forest Regulation

(3) 'panchayet means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation **Madras 3 Mysore 3**

(4) 'panchayetdar means a member of a Panchayet

(5) prescribed means prescribed by the rules made under this Regulation

(6) Village ' means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village but shall not include a local area constituted into a Municipality or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation 1906 or the Jahgirs of Yelandur and Sringeri

(7) District means any local area which for the purposes of the collection of land revenue shall have been placed for the time being under the charge of a Deputy Commissioner of a District **Mysore 3.**

(8) Local Board means any Board constituted under the provisions of the Mysore Local Boards Regulation 1925

(9) Amildar includes a Deputy Amildar

CHAPTER II

CONSTITUTION OF PANCHAYETS AND CONDUCT OF BUSINESS

4 The Deputy Commissioner shall subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjacent villages **Establishment of Panchayets New**

as he thinks fit for carrying out all or any of the purposes of this Regulation The Deputy Commissioner shall have power by a notfication in the official gazette to vary as occasion may demand the grouping of Villages and to exclude a Village from one Panchayet and to include it in another

5 (1) Each Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf

(2) Where a Panchayet is constituted for more than one village the Deputy Commissioner shall determine the number of members to be alloted to each such village

(3) The members of the Panchayet may be

(i) either wholly elected by the residents of the village or

(ii) partly elected and partly nominated as the Govern met may direct by a notification in this behalf

Provided that where the members are to be partly elected and partly nominated the number of elected members shall not be less than half of the total number of members of the Pan chayet

New

(3) The members shall be elected in the manner prescribed

(4) Any vacancies due to failure to elec the full number of elected members wh ch under this Section might be elected, may notwithstanding anything in this Regulation contained be filled up by nomination by the Deputy Commissioner

Qualifications of voters. (Mysore Rule) (Modified)

6 Every male person of the full age of 21 years resident within the village who has during the year immediately preceding the election of the members of the panchayet paid half a rupee or more on account of land revenue house tax shop tax or tax on vacant sites and hittals within the village or in the case of a joint family which has during such period paid half a rupee or more on account of any such taxes the manager of such family or any one of the members with the consent of the rest shall be entiled to vote at any election of members of a Panchayet

Qualifications of candidates.

7 Every person who is entiled to vote at an election shall be qualified to be elected as a member

Chirman and his duties

8 (1) Every Village Panchayet shall be presided over by a chairman who shall be selected from among the panchayetdars and for this pursose may be either

(a) appointed by the Deputy Commissioner by name or

New

(b) if the Government so directs elected by the pancha yetdars in accordance with such rules and condi tions as may be prescribed in this behalf

Mysore 51

(2) At every meeting of a Panchayet the chairman shall preside and in his absence the members of the Panchayet present shall choose one of their number to presi le thereat

Travancore 8

(3) The resolutions of the Panchayet shall be carried out by the Chairman in whom the entire executive power of the Panchayet shall be vested The chairman shall be directly responsible for the duties imposed on the Panchayet by or under this Regulation

Temporary delegation of powers of Chairman to the Pan chayetdar Vide 9

9 The Chairman may during his temporary absence or incapacity, delegate by an order in writing any of his powers or duties to a panchayetdar and intimate the same to the Amildar who may make such arrangements as may be found necessary for carrying on the work during the absence of the Chairman

Provided that he shall not delegate any powers or duties which the Panchayet forbids him to delegate

Secretary for a Pancha yet

10 Every Panchayet shall appoint a Secretary Such appointment shall be subject to the approval of the Deputy Commissioner and in accordance with rules made in this behalf

Term of office of Pan chayetdar or Chairman.

11 The term of office of a Panchayetdar shall be three years from the date on which the Deputy Commissioner shal declare the Panchayet to be duly constituted but shall include any period which may elapse between the expiration of the said three years and the date of the first meeting at which a quorum

is present of the newly elected and nominated members after the next general election for the reconstitution of the Panchayet The term of office of a chairman shall be coterminus with or be the residue of his term of office as a panchayetdar

Power to remove Panchayetdar or Chairman

12 The Deputy Commissioner shall remove any panchayetdar or chairman from his office

(a) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month such sentence not having been reversed or the offence pardoned or

(b) who refuses to act or becomes incapable of acting, or

(c) who applies to be adjudicated or is adjudicated a bankrupt or insolvent, or

(d) who has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1904 or

(e) who has been guilty of misconduct or negligence or who has shown incapacity in the discharge of his duties ;

Resignation of office of Panchayetdar or Chairman

13 An elected Panchayetdar or Chairman may resign his office by giving notice to the Panchayet and a nominated panchayetdar or chairman may resign his office by giving notice to the Deputy Commissioner or any officer empowered by him in this behalf and on such resignation being accepted such panchayetdar or chairman shall be deemed to have vacated his office

Filling of casual vacancies

14 When the office of a chairman or panchayetdar becomes vacant by his removal resignation or death, a new chairman or panchayetdar shall be appointed elected or nominated as the case may be in accordance with the foregoing provisions and such chairman or panchayetdar shall hold office so long as the chairman or panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred

An act of Panchayet not to be invalidated by vacancy or irregularity

15 No act of a Panchayet shall be deemed invalid by reason only that the number of panchayetdars at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or chairman of such Panchayet

CHAPTER III

Incorporation of Panchayets and their property and functions

Incorporation of Panchayets

16 Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal and shall by the said name sue and be sued Subject to any rules made by the Government in this behalf it shall also have power to acquire, hold or transfer property movable or immovable to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation

Vesting of future local works

17 Every road building or other work constructed by a Panchayet shall vest in such Panchayet

Obligatory Duties.

18 It shall be the duty of a Panchayet within the limits of the fund at its disposal to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters

(i) Construction repair and maintenance of village roads including cart tracks culverts and bridges

(ii) Construction of drains and disposal of drainage water and sullage

(iii) Supply of water for domestic use

(iv) Cleansing of streets drains tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the village

(v) Extension of village sites and regulation of buildings

(vi) Opening and maintenance of burial and burning grounds

(*vii*) Management and maintenance of cattle pounds
(*viii*) Sanitation conservancy and prevention and abatement of nuisances
(*ix*) Preservation and improvement of public health
(*x*) Maintenance and regulation of the use of public building vested in the Panchayet and
(*xi*) Tanks and wells (other than tanks and wells used exclusively for irrigation)

Discretionary duties

19 A Panchayet may and if directed by Deputy Commissioner shall within the limits of the fund at its disposal make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters —

(*i*) Enforcement of vaccination
(*ii*) Registration of births and deaths
(*iii*) Providing facilities for travellers
(*iv*) Relief of the poor and the sick
(*v*) Excavation and maintenance of ponds for animals
(*vi*) Planting and preservation of groves and trees on the sides of roads and other public grounds
(*vii*) Control of cattle stands grazing grounds and other communal waste lands
(*viii*) Control of other institutions or property belonging to or vested in it
(*ix*) Taking measures for the economic improvement of the area in matters of education, agriculture, rural industries and trade and
(*x*) Other measures of public utility calculated to promote the safety health comfort or convenience of the residence of the area

Transfer of village forest to Panchayets.

20 The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet the management protection and maintenance of village forests whether reserved for fuel and fodder or for other purposes

Vesting Panchayet with functions under Tank Panchayet Regulation

21 The Government may subject to such limitations and conditions as may be imposed in this behalf empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation, 1911 may exercise and discharge

Vesting Panchayet with power under the Village Courts Regulation

22 Notwithstanding anything contained in the Mysore Village Courts Regulation 1913 the Government may appoint all or any of the members of the Panchayet to be a Village Court for the exercise of the powers conferred on a Village Court under the said Regulation or appoint any one of such members to be the Village Munsiff

Institutions or works may be transferred to Panchayet

23 Subject to the approval of the Government any Local Board the Deputy Commissioner or any private person or body of persons may with the consent of a Panchayet make over to it subject to such conditions as may be agreed upon the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet has got control

Panchayets to exercise powers of school committees and manage Minor Muzrai Institutions

24 The Government may entrust the management of minor muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet subject to the such rules or orders as may be passed from time to time

Government's power to add to functions of Panchayets

25 The Government may subject to such conditions as may be imposed authorise any Panchayet by a general or special order, to exercise any functions or perform any duties other than those specified in sections 18 to 24

Property under the control of Panchayets and their powers.

26 The Panchayet shall have control of all village roads and bridges thereon, cart tracks drains tanks wells and other public places in the village not being private property and not being under the control or management of a Local Board Muni

cipal Council or a Government Officer and may do all things necessary for the maintenance and repair thereof and may—

(a) lay out and make new roads
(b) construct new bridges
(c) divert discontinue or close any road or bridge,
(d) deepen or otherwise improve water ways, and
(e) provide for the lighting of any road or public place within the village

Panchayet to abate nuisance

27 It shall be the duty of the Panchayet to see that no nuisance is committed within the area under its control and that all streets lanes places of public resort and vacant lands are free from filth, noxious vegetation and other insanitary conditions

Erection of Buildings

28 (1) No person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet Such permission may be refused if the Panchayet is of opinion that such erection altera tion addition or re construction is objectionable on sanitary grounds The Panchayet may require that a building shall not be erected, altered added to or reconstructed within five feet of the street and it may also subject to the instructions circulars or orders issued by the Deputy Commissioner or the rules pres cribed in this behalf impose the conditions as to the level, dra nage sanitation ventilation privy arrangements or other matters subject to which the building shall be erected altered added to, or reconstructed as the case may be

Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application and that an appeal shall lie to the Amildar from a refusal of the Panchayet to grant permission

(2) Whoever begins or makes any building or alterations or additions without the written permission of the Panchayet or contrary to the lawful orders issued by the panchayet under Sub Section (1) shall be punished with fine which may extend to 10 rupees and the Panchayet may--

(a) direct that the building alteration or addition be stopped and
(b) by written notice require such building alteration or addition to be altered or demolished as it may deem necessary

Prohibition of certain offensive or dangerous trades without license.

29 (1) No place under the control of a Panchayet shall be used without a license from the Panchayet for the purpose of any trade or business which the Government may by notification, declare to be offensive or dangerous

(2) A notification under Sub section (1) may authorise a Panchayet to levy an annual fee not exceeding such maximum amount as may be specified in the notification in respect of any license granted by it and to impose such conditions in respect of such license as may be considered necessary

(3) Whoever in any area under the control of a pancha yet uses any place for the purpose of any trade or business which is declared under Sub Section (2) to be offensive or dangerous or fails to comply with any condition subject to which a license is granted under that sub section shall be punished with fine which may extend to 25 rupees and to a further fine which may extend to 5 rupees for each day after conviction during which he continues so to offend

(4) The Panchayet upon the conviction of any person for failing to comply with any condition of a license granted under Sub Section (2) may suspend or cancel any such licence

(5) An appeal shall lie to the Amildar against every order by a Panchayet refusing suspending or cancelling a license and the decision of the Amildar thereon shall be final

Powers of Panchayet as to sanit tion conservancy and drainage

30 (1) If it appears necessary to improve the sanitary con dition of any area under its control (a) the panchayet may and under the orders of the Amildar shall—

(1) cause huts or privies to be removed either wholly or in parts

(2) cause private drains to be constructed, altered or removed

(3) cause public drains to be constructed altered or removed

(4) cause any well pool ditch, tank pit or pond or any place containing or used for the collection of any drainage, filth or stagnant water

which appears to be injurious to health or offensive to the neighbourhood or in any other respect a nuisance to be filled up cleansed or deepened or the water to be drained off or removed therefrom or such other action to be taken therewith as may be deemed necessary

(5) cause any land which by reason of thick vegetation undergrowth prickly pear or jungle appears to be in a state injurious to health or offensive to the neighbourhood or to form an impediment to efficient ventilation to be cleared of such vegetation undergrowth or jungle

(6) cause burning ghats and burial grounds to be established and

(7) cause such other improvement to be made as are necessary to improve the sanitary condition of such local area or part and

(b) the Panchayet may by a written notice require within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part

(ii) the owner or occupier of any building to construct private drains therefor or to alter or remove private drains thereof or

(iii) the owner or occupier of any land or building to which any such well pool ditch tank pit pond or place as is referred to in clause (a) pertains or of any such land as is referred to in clause (b) to do anything which the panchayet is itself empowered to do under either of those clauses

(2) If any work required by any such notice is not executed within the period specified in the notice the Panchayet may itself cause such work to be carried out and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub section (1) as if it were a tax imposed under section 36

(3) An appeal shall lie against every notice issued under clause (b) of sub section (1) to the Amildar who after giving the owner and occupier full opportunity of adducing evidence and of being heard may make an order cancelling modifying or confirming the said notice such appeal shall be filed wihin 15 days from the date of service of the notice

Power of Panchayet as to cleaning local areas

31 A Panchayet may employ an establishment for the cleansing of the local area under its control or any part thereof

(2) Where no such establishment is employed the panchayet may by written notice require owners or occupiers of land in the local area to cleanse such land to the satisfaction of the panchayet within a reasonable period to be specified in the notice

(3) If any person on whom notice has been served under sub section (2) fails to comply with the requisition contained in the notice the Panchayet shall, unless reasonable cause to the contrary is shown —

(a) cause the land to be cleaned and

(b) recover from such person such portion of the cost of such cleansing as the Panchayet may direct as if it were a tax imposed under Section 36

(4) An appeal shall lie against every notice issued under sub section (2) to the Amildar who after giving the owner and occupier full opportunity of adducing evidence and of being heard may make an order cancelling modifying or confirming

the said notice Such appeal shall be filed within fifteen days from the date of service of the notice

Power of Panchayet to provide for proper water supply

32(1) A Panchayet may provide the area under its control or any part thereof with a supply of water proper and sufficient, for public and private purposes and for such purposes, may or under the orders of the Deputy Commissioner, shall —

(a) construct repair and maintain tanks or wells and clear out streams or water courses, (Beng 34)

(b) purchase or acquire by lease or gift any tank well stream or water course, or any right to take or convey water within or without the area under its control

(c) with the consent of the owner thereof, utilize cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water there from

(d) contract with any person for a supply of water, or

(e) do any other acts necessary for carrying out the purposes of this section

(2) The Panchayet may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes any tank well, stream or water course in respect of which action has been taken under clause (a) (b) or (c) of sub section (1) subject to any rights which the owner referred to in clause (c) of that sub section may retain with the consent of the Panchayet

(3) The Panchayet may by order published at such places as it may think fit prohibit all bathing washing of clothes and animals or other acts calculated to pollute the water of any tank, well stream or water course set apart for drinking or culinary purposes under sub section (2)

(4) Any person who disobeys an order issued under sub section (3) shall be punished with fine which may extend to twenty five rupees

Power of entry

33 Any member officer or servant of a Panchayet may enter into or upon any building or land with or without assistants or workmen in order to make any inspection or execute any work for any of the purposes of this Regulation

Provided that—

(a) no such entry shall be made between sunset and sunrise (Madras 24)

(b) unless the entry be with the consent of its occupier no dwelling house shall be so entered without giving reasonable previous notice singed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry, and

(c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered

Officers and servants

34 Subject to such rules as may be framed by the Government in this behalf every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay allowances gratuties pensions and contributions as the Government may direct

CHAPTER IV

Village Fund and recovery of dues

Panchayet Fund and its application and investment

35 (1) All sums realised as taxes fees cesses fines or costs under this Regulation all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act 1871 as amended by Regulation VIII of 1892 all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons and any contribution from (Madras 32)

a Local Board or the Government shall be paid into a fund to be called the Village Fund the accounts of which shall be kept in the manner prescribed

(2) The expenses incurred by the Panchayet in carrying out the purposes of this Regulation shall be paid out of the Village Fund

Provided that all sums made over to or realised by a Panchayet for any specific purpose shall be applied solely to that purpose

(3) The Village Fund shall be invested in the Government Savings Bank or with the approval of the Deputy Commissioner in a co operative Society A Panchayet may from time to time with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government

Obligatory taxes.

36 In every village a tax on houses shops vacant sites and hittals shall be levied subject to such rules and not exceeding such rates as shall be prescribed

Provided that it shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals with the previous sanction of the Government

Optional levy of cesses

37 A Panchayet may also levy with the previous sanction of the Government and subject to such rules as may be prescribed in this behalf any other tax cess rate or license or other fee for the discharge of any of the duties imposed on it

Provided that the levy of such tax cess rate or fee is agreed to by not less than two thirds of the members constituting the Panchayet Provided also that the Panchayet may with the consent of the person from whom such tax cess rate or fee is leviable commute the payment of such cess into a contribution of labour not exceeding 18 days' labour in a year at such intervals for such period of time and under such conditions as may be prescribed in this behalf

Objection in respect of liability to assessment. (Travancore 49)

38 No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than in accordance with the provisions of this Regulation or by the rules made thereunder

Collection of taxes cesses fee etc (Madras 31)

39 (1) The amount of taxes fees or other dues shall be paid in such manner as may be prescribed and in case of the default of such payment shall be recovered by the chairman by distraint and sale in the manner prescribed of the movable property of the defaulter

(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub section (1) the Amildar shall recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a chairman under sub section (1)

(3) If the taxes or other dues cannot be recovered under sub sections (1) and (2) the Deputy Commissioner of any District or any officer authorised by a Deputy Commissioner in this behalf may recover the same as an arrear of land revenue on receipt of a statement of account certified by a chairman or an Amildar and after holding such enquiry if any as he thinks fit

(Mysore L R Code.)

(4) Nothing herein contained shall preclude the institution by a Panchayet of a suit for any amount due under this Regulation

Annual budget of Panchayets

40 (1) Every Panchayet shall submit annually to the Amildar on or before such date as may be prescribed a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings

(2) Every such budget shall be scrutinised and passed by the Amildar with such modifications if any as he deems fit and a copy of it shall be sent to the Deputy Commissioner

Mysore 59

(3) No expenditure which is not provided for in the estimate as approved by the Amildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner

41 Accounts of all the receipts and expenditure of every Panchayet shall be made up to the last day of every official year in such form as the Government from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf

Annual accounts and audit

42 The Amildar shall submit annually to the Deputy Commissioner a consolidated report on the working of the Panchayets in the Taluk in such form as the Government may from time to time prescribe and the Deputy Commissioner shall review the report and submit a copy of his review for the information of Government

Administration Reports

Chapter V

CONTROL

43 The Deputy Commioner shall be the chief controlling authority in respect of all matters relating to the administration of Panchayets in the District

Deputy Commissioner to be Chief Controlling authority

44 Subject to the general control of the Deputy Commissioner the Amildar shall exercise general powers of inspection supervision and control over the Panchayets

Amildar to exercise general powers.

45 It shall be the duty of all Deputy Commissioners, Assistant Commissioners in charge of Taluks and Amildars to see that the proceedings of Panchayets are in conformity with law and with the rules in force thereunder

Duties of Certain Government Officers

46 The Deputy Commissioner may by order in writing annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such conformity

Power of Deputy Commissioners.

47 Every Panchayet shall at all times permit the Deputy Commissioner the Assistant Commissioner in charge of a Taluk or Taluks the Amildar and any other officer empowered by Government in this behalf to have access to all its books proceedings and records

Inspection of records

48 The Deputy Commissioner the Assistant Commissioner in charge of a Taluk or Taluks, the Amildar or any other officer empowered by Government in this behalf shall have power at all times—

Inspection of property or work.

(a) to enter on and inspect or cause to be entered on and inspected any immovable property occupied by or any work in progress under the orders of or any institution controlled by a Panchayet

(b) to call for and inspect any document which may be for the purposes of this Regulation in the possession of or under the control of a Panchayet

(c) require the Panchayet to furnish such statements accounts and reports as he thinks fit and may give such advice in respect of the administrative work and proceedings as he thinks fit

49 The Government may appoint for each Taluk one or more Inspectors of Panchayets to secure better supervision over Panchayets and to discharge such functions as may be assigned to them in regard to the administration of Panchayets The Panchayets may be required to contribute towards the cost of such Inspectors

Appointment of Inspectors

50 (1) When the Amildar is informed on complaint made or otherwise that a Panchayet has made default in performing any duty imposed on it by or under this Regulation the Amildar if satisfied after due enquiry that the Panchayet has been guilty of the alleged default may by an order in writing fix a period for the performance of that duty

Power to provide for performance of duties in default of panchayets

(2) If that duty is not performed within the period so fixed the Amildar may appoint some person to perform it, and may direct that the expense of performing it with a reasonable

Mys 35.

servant delivered to him or left at his office or place of abode The notice shall state the cause of action the name and place of abode of the intending plaintiff and the relief which he claims The plaint shall contain a statement that such notice has been so delivered or left

(3) Every such action shall be dismissed unless it is instituted within six months after the accrual of the alleged cause of action and the service of such notice is admitted or proved

(4) Where it is proved to the satisfaction of the court that before the suit was instituted tender of sufficient amends has been made to the plaintiff the plaintiff shall not recover his costs nor any relief not included in such tender and shall defray the costs of the defendent in the suit

Punishment for obstructing panchayet member or agent

61 Whoever obstructs or molests a panchayet or any member thereof or any person employed by it or him or any person with whom it or he has contracted in the performance of its or his duty under the provisions of this Regulations or prevents or tries to prevent any person from doing anything which he is empowered or required to do by virtue of this Regulation or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by this Regulation or removes or destroys defaces or otherwise obliterates any notice put up or exhibited by the panchayet or under its authority shall be liable on conviction by a Magistrate to a fine not exceeding Rs 50

Assessment etc not to be impeached

62 (1) No assessment or demand made and no charge imposed under the authority of this Regulation shall be impeached or affected by reason of any clerical error or of any mistake in respect of the name residence or occupation of any person the description of any property or thing or the amount assessed demanded or charged provided that the provisions of this Regulation have been in substance and effect complied with And no proceedings under this Regulation shall merely for defect in form be quashed or set aside in any court of justice

(Madras 43)

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Regulation or to recover damages on account of any assessment or collection of money made under the said authority

Provided that the provisions of this Regulation have been in substance and effect complied with

Power of Government to make rules

63 (1) The Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith

(2) In particular and without prejudice to the generality of the foregoing power the Government shall have power to make rules —

(Madras 44)

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed

(b) for giving intimation of vacancies in the offices of chairman and panchayetdars for fixing the time within which elections shall be held for filling such vacancies and generally for regulating all elections under this Regulation and determining the authority who shall decide disputes relating to such elections

(c) regulating the powers of panchayets to acquire hold and transfer property and to enter into contracts

(d) as to the powers that may be exercised by the chairman as the Chief Executive Officer of a Panchayet

(e) regarding the conduct of meetings of Panchayets and quorum

(f) regarding the appointment of the officers and servants of the panchayet and their salaries allowances pensions gratuities transfers and punishments

(*g*) as to the levy of taxes, cesses rates, fees or other dues under this Regulation,

(*h*) as to the accounts to be maintained by Panchayets the audit and publication of such accounts and the arrangements to be made for the lodging and custody of the village fund,

(*i*) as to the returns statements and reports to be submitted by Panchayets

(*j*) as to the preparation and sanction of the estimates of receipts and expenditure of Panchayets

(*k*) prescribing the manner in which notifications and orders under this Regulation shall be published

(*l*) prescribing instructions for the guidance of the controlling authorities in exercising the powers delegated to them

(*m*) prescribing the class of Magistrates by whom offences under this Regulation or the rules thereunder shall be tried

(*n*) as to the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Regulation

(*o*) regulate the conservancy of villages

(*p*) provide for the protection and periodical examination of wells and water supply in villages

(*q*) define and prohibit public nuisances in villages and

(*r*) improve the sanitation of villages in other similar respects

(3) In making any rule under clauses (*o*) to (*r*) of sub section (2), the Government may direct that a breach thereof shall be punishable with fine which may extend to ten rupees and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach continues

'4) The power to make rules under this Section is subject to the condition that the rules shall not take effect until they shall have been previously published in the official Gazette

Punishment for offence under the Regulation or rule (Trav 62).

64 Unless otherwise specifically provided for any person shall on conviction before a Magistrate for an offence under this Regulation or a rule made thereunder be liable to a fine not exceeding twenty five rupees

Credit of fines to village fund

65 All fines recovered under this Regulation or the rules framed thereunder shall be credited to the village fund

Form of notices. (Madras 45)

66 All notices given or issued under the provisions of this Regulation shall be in writing

Method of serving document (Madras 48)

67 (1) When any notice or other document is required by this Regulation or by any rule bye-law or order made under it to be served on or sent to any person the service or sending thereof may be effected —

(*a*) by giving or tendering the said document to such person or

(*b*) if such person is not found by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family or

(*c*) if such person does not reside in the village and his address elsewhere is known to the chairman by sending the same to him by post registered or

(*d*) if none of the means aforesaid be available by fixing the same in some conspicuous part of such place of abode or business

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the document and in the case of joint owners and occupiers it shall be sufficient to serve it on or send it to one of such owner or occupiers

(3) Whenever in any bill notice or other document served or sent under this Regulation or the rules thereunder a period is fixed within which any tax or other sum is to be paid or any work executed or anything provided such period shall in the absence from this Regulation or the rules thereunder of any distinct provision to the contrary be calculated from the date of such service or sending